

JOURNAL OF THE SENATE

NINETIETH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 9, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Ron Garry, followed by the Pledge of Allegiance led by Senate pages Chantel Schroer and Christine Keller.

Roll Call: All members present except Sens. Curd and Novstrup (David) who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages – Caroline Crinion, Avery Del Grosso, Gerald Fraas, Christine Keller, Jeanette
3 Klein, Logan Larsen, Joshua Liester, Jake Rysdon, Chantel Schroer, Maria Schwader, Andrew
4 Silva, Madeline Tyrell, Bailey Willems.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **COMMUNICATIONS AND PETITIONS**

7 February 9, 2015

8 Mr. President and Members of the Senate:

9 I have the honor to inform you that on February 9, 2015, I approved Senate Bills 23, 31,
10 32, 35, and 36, and the same have been deposited in the office of the Secretary of State.

11 Respectfully submitted,
12 Dennis Daugaard
13 Governor

14 **REPORTS OF STANDING COMMITTEES**

15 MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
17 and Enrolling has carefully compared SB 19, 20, and 21 and finds the same correctly enrolled.

18 Respectfully submitted,
19 Corey Brown, Chair

20 Also MR. PRESIDENT:

21 The Committee on Local Government respectfully reports that it has had under
22 consideration SB 81 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration SB 126 and returns the same with the recommendation that said bill do pass and
4 be placed on the consent calendar.

5 Respectfully submitted,
6 Bob Ewing, Chair

7 Also MR. PRESIDENT:

8 The Committee on Health and Human Services respectfully reports that it has had under
9 consideration SB 169 and returns the same with the recommendation that said bill be amended
10 as follows:

11 169ra

12 On page 2 of the printed bill, delete line 24, and insert "abortion.".

13 On page 3, delete line 1.

14 And that as so amended said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Health and Human Services respectfully reports that it has had under
17 consideration HB 1079 which was tabled.

18 Respectfully submitted,
19 Bruce Rampelberg, Chair

20 Also MR. PRESIDENT:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 HJR 1001 and HB 1004 and 1069 and returns the same with the recommendation that said bills
23 and resolution do pass.

24 Also MR. PRESIDENT:

25 The Committee on State Affairs respectfully reports that it has had under consideration
26 SB 1 and returns the same with the recommendation that said bill be amended as follows:

1fg

On the printed bill, delete everything after the enacting clause and insert:

"Section 1. There is hereby created in the state treasury the local bridge improvement grant fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the fund is continuously appropriated to the Department of Transportation. Any money deposited into and distributed from the fund shall set forth in an informational budget as described in § 4-7-7.2.

The Transportation Commission may award grants from the fund to any local government entity to construct, reconstruct, and repair bridges. The Transportation Commission shall consider the need for the project and funding mechanisms available to and utilized by the applicant when making a decision to award a grant. No county may receive a grant from the fund unless such county has adopted and annually updated its county highway and bridge improvement plan pursuant to the provisions of section 3 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

Section 2. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26, regarding the application process and timelines, the guidelines and criteria for approval of applications, and the distribution of funds from the local bridge improvement grant fund. The criteria for evaluating the projects may include the proximity of other bridges and culverts, alternative routes available, structural deficiencies, functionality and use of the bridge or culvert, and project costs.

Section 3. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26, to establish the requirements for a county highway and bridge improvement plan that details proposed county highway and bridge improvement projects in a county for the next five years. The rules shall provide for the format of the plan and the time by which an update of the plan must be submitted each year.

Section 4. That § 32-11-34 be amended to read as follows:

32-11-34. The local government highway and bridge fund is hereby created and appropriated for the use of counties, municipalities, and townships for the purposes of constructing and maintaining highways, streets, and bridges on their highway and street systems. Beginning on October 1, 2015, before each quarterly disbursement is made pursuant to § 32-11-35, the secretary of revenue shall transfer one million seven hundred fifty thousand dollars to the local bridge improvement grant fund created pursuant to section 1 of this Act.

Section 5. That § 32-5B-1 be amended to read as follows:

32-5B-1. In addition to all other license and registration fees for the use of the highways, a person shall pay an excise tax at the rate of ~~three~~ four percent on the purchase price of any motor vehicle, as defined by § 32-3-1 or 32-5B-21, purchased or acquired for use on the streets and highways of this state and required to be registered under the laws of this state. This tax shall be in lieu of any tax levied by chapters 10-45 and 10-46 on the sales of such vehicles. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

1 Section 6. That § 32-5B-1.4 be amended to read as follows:

2 32-5B-1.4. A licensed motor vehicle dealer who sells new motor vehicles and has a
3 franchise for that particular motor vehicle may license a new motor vehicle which is part of ~~his~~
4 the dealer's inventory. If the dealer licenses the motor vehicle, ~~he~~ the dealer shall title the motor
5 vehicle and pay the ~~three percent~~ excise tax imposed pursuant to § 32-5B-1 on the
6 manufacturer's suggested dealer list price. The next purchaser ~~shall be~~ is exempt from the excise
7 tax.

8 Section 7. That § 10-47B-4 be amended to read as follows:

9 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 10 (1) Motor fuel (except ethyl alcohol, methyl alcohol, biodiesel, biodiesel blends, and
11 aviation gasoline)--~~\$.22 per gallon as provided pursuant to section 8 of this Act;~~
12 (2) Special fuel (except jet fuel)--~~\$.22 per gallon as provided pursuant to section 8 of this~~
13 Act;
14 (3) Aviation gasoline--\$.06 per gallon;
15 (4) Jet fuel--\$.04 per gallon;
16 (5) Liquid petroleum gas--\$.20 per gallon;
17 (6) Compressed natural gas--\$.10 per gallon;
18 (7) Ethyl alcohol and methyl alcohol--~~\$.08 per gallon as provided pursuant to section 9~~
19 of this Act;
20 (8) Liquid natural gas--\$.14 per gallon; and
21 (9) Biodiesel and biodiesel blends--as provided pursuant to section 8 of this Act, except
22 when the conditions as provided in section 10 of this Act are met.

23 Section 8. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
24 follows:

25 The fuel excise tax rate for motor fuel and special fuel is:

- 26 (1) \$.24 per gallon from July 1, 2015, to June 30, 2016, inclusive;
27 (2) \$.26 per gallon from July 1, 2016, to June 30, 2017, inclusive; and
28 (3) Beginning on July 1, 2017, and on July first each year thereafter through June 30,
29 2030, the fuel excise tax rate shall increase by an additional \$.02 per gallon.

30 Section 9. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
31 follows:

32 The fuel excise tax rate for ethyl alcohol and methyl alcohol fuel is:

- 33 (1) \$.10 per gallon from July 1, 2015, to June 30, 2016, inclusive;
34 (2) \$.12 per gallon from July 1, 2016, to June 30, 2017, inclusive; and
35 (3) Beginning on July 1, 2017, and on July first of each year thereafter through June 30,
36 2030, the fuel excise tax rate shall increase by an additional \$.02 per gallon.

1 Section 10. The tax imposed by § 10-47B-4 on biodiesel or biodiesel blends shall be reduced
2 by two cents per gallon in the quarter after biodiesel production facilities in South Dakota reach
3 a name plate capacity of at least twenty million gallons per year and fully produce at least ten
4 million gallons of biodiesel within one year as determined by the secretary of revenue. The
5 secretary shall file a certification of the determination with the secretary of state and the
6 Legislative Research Council as the means of determining the rate of tax applied by § 10-47B-4.
7 The provisions of this section are repealed in the quarter after thirty-five million gallons of taxed
8 biodiesel and biodiesel blended fuel are sold as determined by the secretary of revenue. The
9 secretary shall file a certification of the determination with the secretary of state and the
10 Legislative Research Council as the means of determining the effective date of the repeal of this
11 section.

12 Section 11. That section 7 of chapter 64 of the 2014 Session Laws, section 12 of chapter 55
13 of the 2009 Session Laws, and sections 3, 5, and 6 of chapter 54 of the 2008 Session Laws be
14 repealed.

15 Section 12. That § 32-5-6 be amended to read as follows:

16 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
17 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
18 manufacturer's shipping weight, including accessories, as follows:

- 19 (1) Two thousand pounds or less, inclusive, ~~thirty~~ thirty-three dollars;
- 20 (2) From 2,001 to 4,000 pounds, inclusive, ~~sixty~~ sixty-six dollars;
- 21 (3) From 4,001 to 6,000 pounds, inclusive, ~~ninety~~ ninety-nine dollars; and
- 22 (4) Over 6,000 pounds, ~~one hundred twenty~~ one hundred thirty-two dollars.

23 Section 13. That § 32-5-6.3 be amended to read as follows:

24 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile,
25 pickup truck, or van licensed pursuant to § 32-5-6 shall be determined by the gross weight of
26 the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- 27 (1) Eight thousand pounds or less, inclusive, ~~one hundred~~ one hundred ten dollars;
- 28 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 20,000
29 pounds, inclusive, ~~ten~~ eleven dollars; and
- 30 (3) For a vehicle in excess of 20,000 pounds, from July 1, 2015, to June 30, 2016,
31 inclusive, the total license fee shall be ~~sixty~~ seventy percent of the total license fee
32 established for commercial vehicles of equivalent weight pursuant to § 32-9-15. On
33 and after July 1, 2016, the total license fee shall be eighty percent of the total license
34 fee established for commercial vehicles of equivalent weight pursuant to § 32-9-15.

35 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this
36 section at a gross weight in excess of the gross weight for which it has been licensed. If the
37 owner chooses to lower the registered weight, the plate shall be returned along with any
38 validation decal and a new plate issued with the correct registered weight.

1 Section 14. That § 32-5-6.1 be amended to read as follows:

2 32-5-6.1. License fees for any noncommercial motor home shall be determined by the
3 manufacturer's shipping weight, including accessories, as follows:

- 4 (1) Six thousand pounds or less, inclusive, ~~ninety~~ ninety-nine dollars;
5 (2) From 6,001 to 8,000 pounds, inclusive, ~~one hundred twenty~~ one hundred thirty-two
6 dollars;
7 (3) From 8,001 to 10,000 pounds, inclusive, ~~one hundred fifty~~ one hundred sixty-five
8 dollars; and
9 (4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000
10 pounds, ~~thirty~~ thirty-three dollars.

11 For the purposes of this section, a motor home is a vehicle designed to provide temporary
12 living quarters for recreational, camping, or travel use, built on or permanently attached to a
13 self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the
14 completed vehicle.

15 Section 15. That § 32-5-8 be amended to read as follows:

16 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1
17 or for any noncommercial trailer and semitrailer, for use of the highways payable ~~under~~ pursuant
18 to § 32-5-5 and pulled by a noncommercial motor vehicle on which the license fees were paid
19 pursuant to § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- 20 (1) One thousand pounds or less, inclusive, ~~fifteen~~ seventeen dollars;
21 (2) From 1,001 to 2,000 pounds, inclusive, ~~thirty~~ thirty-three dollars;
22 (3) From 2,001 to 3,000 pounds, inclusive, ~~forty-five~~ fifty dollars;
23 (4) From 3,001 to 4,000 pounds, inclusive, ~~sixty~~ sixty-six dollars;
24 (5) From 4,001 to 5,000 pounds, inclusive, ~~seventy-five~~ eighty-three dollars;
25 (6) From 5,001 to 6,000 pounds, inclusive, ~~ninety~~ ninety-nine dollars;
26 (7) From 6,001 to 7,000 pounds, inclusive, ~~one hundred five~~ one hundred sixteen dollars;
27 (8) From 7,001 to 8,000 pounds, inclusive, ~~one hundred twenty~~ one hundred thirty-two
28 dollars;
29 (9) From 8,001 to 9,000 pounds, inclusive, ~~one hundred thirty-five~~ one hundred forty-
30 nine dollars;
31 (10) From 9,001 to 10,000 pounds, inclusive, ~~one hundred fifty~~ one hundred sixty-five
32 dollars; and
33 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000
34 pounds, ~~fifteen~~ seventeen dollars.

35 Any trailer or semitrailer licensed pursuant to this section may be pulled by a
36 noncommercial motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor
37 vehicle if the motor vehicle is registered at a gross weight to cover the weight of the trailer and
38 its load.

Section 16. That § 32-5-9 be amended to read as follows:

32-5-9. License fees and compensation for use of the highways payable under pursuant to § 32-5-5 ~~shall be: fourteen dollars and fifty cents for motorcycles with a~~ shall be determined by ~~the piston displacement of less than three hundred fifty cubic centimeters and seventeen dollars~~ for motorcycles with a piston displacement of three hundred fifty cubic centimeters or more as follows:

- (1) Less than three hundred fifty cubic centimeters, sixteen dollars;
- (2) Three hundred fifty to one thousand cubic centimeters, inclusive, nineteen dollars;
- and
- (3) Greater than one thousand cubic centimeters, twenty-two dollars.

Section 17. That § 32-6B-21 be amended to read as follows:

32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon application and payment of a ~~eighty-four~~ ninety-two dollar yearly fee to be paid at the time of the annual review date for each set desired. The fees shall be distributed in the manner specified in §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered consecutively and shall bear as a prefix the number 77. The plates may be issued for a multiple year period. If a dealer's license is revoked or canceled or the dealer goes out of business the 77 plates shall be returned to the department. If any person operates a motor vehicle with 77 plates after the dealer license is revoked or canceled or after the dealer goes out of business, or if the person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

Section 18. That § 32-6B-23 be amended to read as follows:

32-6B-23. The department shall issue to any motorcycle dealer and trailer dealer licensed pursuant to this chapter metal number plates bearing a prefix of the letter "D" and containing a distinguishing identification number of the licensee. The dealer shall make application to the department for the plates and pay a fee of ~~twenty~~ twenty-two dollars for each plate. One license plate shall be displayed on the rear of any motorcycle, or trailer, semitrailer, or travel trailer, owned by the dealer while traveling on a public highway. Any vehicle owned by the licensed dealer and bearing the dealers' metal plate may be operated on the streets and highways of this state for any purpose, including demonstration by a prospective buyer. All money collected pursuant to this section shall be distributed in the manner specified in § 32-11-2 and §§ 32-11-4.1 to 32-11-9, inclusive.

Section 19. That § 32-6B-36.3 be amended to read as follows:

32-6B-36.3. The department shall issue metal numerical license plates to an auction agency upon application and payment of a ~~eighty-four~~ ninety-two dollar yearly fee to be paid at the time of the annual review date for each set desired. Such fees shall be distributed in the manner specified in §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered consecutively and shall bear as a prefix the number "99." The plates may be issued for a multiple year period. If an auction agency's license is revoked or canceled or the auction agency goes out of business, the "99" plates shall be returned to the department. If any person

operates a motor vehicle with "99" plates after the auction agency's license is revoked or canceled or after the auction agency goes out of business, or if the person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

Section 20. That § 10-12-13 be amended to read as follows:

10-12-13. The board of county commissioners may levy an annual tax not to exceed one dollar and twenty cents per thousand dollars of taxable valuation as a reserve fund to be accumulated and used for the purpose of ~~matching federal aid grants which have or may hereafter become available~~ maintaining, repairing, constructing, and reconstructing roads and bridges. Moneys in the fund may be expended ~~in cooperation with the federal government~~ in the laying out, marking, maintaining, constructing, and reconstructing roads and maintaining, constructing, and reconstructing bridges, under the jurisdiction of the board of county commissioners. The tax levy shall be in addition to all other levies authorized to be made by the board of county commissioners for road and bridge purposes provided for in § 10-12-21. The proceeds of such levy shall be placed in a special fund to be known as the "county highway and bridge reserve fund." Any tax levy imposed pursuant to this section is exempt from the tax limitations imposed on a county pursuant to chapter 10-13.

Notwithstanding any other provision of law, any action by the board of county commissioners to authorize a tax levy pursuant to this section is subject to the referendum process in accordance with chapter 7-18A.

Section 21. The voters of an organized civil township at the annual township meeting may authorize an annual property tax levy not to exceed fifty cents per thousand dollars of the taxable valuation of the township for the secondary road capital improvement fund for projects and purposes as defined in section 22 of this Act. The secondary road capital improvement tax levy authorized by this section is in addition to the levies authorized in §§ 10-12-28 and 31-13-22. Any tax levy imposed pursuant to this section is exempt from the tax limitations imposed on a township pursuant to chapter 10-13.

Section 22. The township board of supervisors may establish a secondary road capital improvement fund for the purpose of constructing, reconstructing, repairing, and maintaining secondary roads, bridges, and culverts under the jurisdiction of the township board of supervisors.

Section 23. That chapter 31-2 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Transportation shall establish performance standards designed to measure the overall condition of the highways and bridges on the state highway system, along with establishing ten-year goals for maintenance of these conditions. When establishing appropriate performance standards, the department may include nationally established standards and measurements required to be reported to the United States Department of Transportation.

The department shall, before the fourth Tuesday in January of each year, report to the Senate and House standing committees on transportation on the current and projected condition of the highways and bridges on the state trunk highway system. This report shall include progress on

meeting the ten-year goals for condition of the state highway system. If the projections show the ten-year goals will not be met, the department shall report the estimated amount of additional funding needed to achieve the goals."

1fi

On the previous amendment, (1fg), in Section 8, subdivision (3), delete "2030" and insert "2023".

On the previous amendment, (1fg), in Section 9, subdivision (3), delete "2030" and insert "2023".

1fj

On the previous amendment, (1fg), in Section 13, subdivision (3), delete "eighty" and insert "seventy-five".

1fc

On the previous amendment, (1fg), after the last paragraph, insert:

"Section 24. That § 32-5A-1 be amended to read as follows:

32-5A-1. ~~Any~~ Each county may, by ordinance, impose a wheel tax on all motor vehicles, as defined in § 32-3-1, registered in the county at a rate not to exceed four dollars per vehicle wheel. The tax shall be administered and collected by the county. The total vehicle tax may not exceed ~~sixteen~~ forty-eight dollars per vehicle."

1fb

On the previous amendment, (1fg), after the last paragraph, insert:

"Section 24. Beginning on July 1, 2016, and on July first each year thereafter until July 1, 2030, the motor vehicle registration fee provided in § 32-5-6, subdivision 32-5-6.3(1), subdivisions 32-5-6.1(1), (2), and (3), subdivisions 32-5-8(1) to (10), inclusive, § 32-5-9, § 32-6B-21, § 32-6B-23, and § 32-6B-36.3 shall be increased by:

- (1) One dollar, if the fee is less than seventy-five dollars;
- (2) Two dollars, if the fee is seventy-five dollars to one hundred fifty dollars, inclusive; and
- (3) Three dollars, if the fee is greater than one hundred fifty dollars."

1oa

On the previous amendment, (1fb), delete "2030" and insert "2023".

1 1fta

2 On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise certain
3 taxes and fees to fund improvements to public roads and bridges in South Dakota."

4 On page 1, delete lines 2 to 5, inclusive.

5 And that as so amended said bill do pass.

6 Also MR. PRESIDENT:

7 The Committee on State Affairs respectfully reports that it has had under consideration
8 SB 166 which was tabled.

9 Also MR. PRESIDENT:

10 The Committee on State Affairs respectfully reports that it has had under consideration
11 HB 1001 and returns the same with the recommendation that said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on State Affairs respectfully reports that it has had under consideration
14 SB 137 and returns the same with the recommendation that said bill do pass and be placed on
15 the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on State Affairs respectfully reports that it has had under consideration
18 SB 190 and returns the same with the recommendation that said bill be amended as follows:

19 190ra

20 On page 2, line 23, of the printed bill, after "and" insert "self-funded".

21 190rb

22 On page 3, line 18, of the printed bill, delete "Physicians" and insert "Examiners".

23 On page 3, line 19, delete "Psychology Examiners" and insert "Examiners of
24 Psychologists".

25 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 112 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Tim Rave, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to return herewith SB 19, 20, and 21 which have passed the House without
9 change.

10 Also MR. PRESIDENT:

11 I have the honor to transmit herewith HB 1121, 1135, 1136, 1145, and 1149 which have
12 passed the House and your favorable consideration is respectfully requested.

13 Respectfully,
14 Arlene Kvislen, Chief Clerk

15 **MOTIONS AND RESOLUTIONS**

16 Sen. Rave moved that SB 124 be re-referred to the Committee on Education.

17 Which motion prevailed.

18 Sen. Rave moved that SB 168 and 64 be placed to follow SB100 on today's calendar.

19 Which motion prevailed.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Sen. Rave moved that the reports of the Standing Committees on

22 Taxation on SB 136 as found on page 314 of the Senate Journal; also

23 Appropriations on SB 91 as found on page 313 of the Senate Journal; also

1 Appropriations on SB 92 as found on page 314 of the Senate Journal be adopted.

2 Which motion prevailed.

3 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 The President declared that SB 171 was withdrawn at the request of the prime sponsor
5 pursuant to Joint Rule 6B-1.1.

6 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

7 HB 1121: FOR AN ACT ENTITLED, An Act to authorize township boards to establish
8 speed zones on township roads.

9 Was read the first time and referred to the Committee on Transportation.

10 HB 1135: FOR AN ACT ENTITLED, An Act to expand certain bonding provisions
11 regarding local government officials and employees.

12 Was read the first time and referred to the Committee on Local Government.

13 HB 1136: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
14 administration of unlocatable mineral, leasehold, or royalty interests.

15 Was read the first time and referred to the Committee on Local Government.

16 HB 1145: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
17 payment of salary and compensation to legislators.

18 Was read the first time and referred to the Committee on State Affairs.

19 HB 1149: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
20 setting of the salary of legislators.

21 Was read the first time and referred to the Committee on State Affairs.

1 SECOND READING OF CONSENT CALENDAR ITEMS

2 SB 107: FOR AN ACT ENTITLED, An Act to increase the period an instructor permit is
3 valid and to revise the requirements to upgrade to an operator's licence or a restricted minor's
4 permit.

5 Was read the second time.

6 The question being "Shall SB 107 pass?"

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 2, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
11 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
13 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Curd; Novstrup (David)

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1071: FOR AN ACT ENTITLED, An Act to revise the number of signatures required
19 for a nominating petition for sanitary district trustees.

20 Was read the second time.

21 The question being "Shall HB 1071 pass?"

22 And the roll being called:

23 Yeas 33, Nays 0, Excused 2, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
28 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Curd; Novstrup (David)

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1104: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
4 notification procedure for payment of delinquent special assessments.

5 Was read the second time.

6 The question being "Shall HB 1104 pass?"

7 And the roll being called:

8 Yeas 33, Nays 0, Excused 2, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
11 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
12 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
13 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Curd; Novstrup (David)

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

19 SB 86: FOR AN ACT ENTITLED, An Act to place a term limit on the office of poet
20 laureate.

21 Was read the second time.

22 The question being "Shall SB 86 pass as amended?"

23 And the roll being called:

24 Yeas 33, Nays 0, Excused 2, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
27 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
28 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
29 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:
2 Curd; Novstrup (David)

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 SB 118: FOR AN ACT ENTITLED, An Act to provide additional transparency for
6 prescription drug plans.

7 Was read the second time.

8 The question being "Shall SB 118 pass as amended?"

9 And the roll being called:

10 Yeas 33, Nays 0, Excused 2, Absent 0

11 Yeas:
12 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
13 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
14 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
15 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

16 Excused:
17 Curd; Novstrup (David)

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 SB 120: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special
21 alcoholic beverage licenses issued in conjunction with special events and to declare an
22 emergency.

23 Was read the second time.

24 The question being "Shall SB 120 pass as amended?"

25 And the roll being called:

26 Yeas 33, Nays 0, Excused 2, Absent 0

27 Yeas:
28 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
29 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
30 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
31 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:
2 Curd; Novstrup (David)

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the President declared the bill passed and the title was agreed to.

5 SB 110: FOR AN ACT ENTITLED, An Act to revise the authority granted to the Building
6 Authority and to the Board of Regents to construct an information system building on the
7 campus of Dakota State University in Madison.

8 Was read the second time.

9 The question being "Shall SB 110 pass?"

10 And the roll being called:

11 Yeas 33, Nays 0, Excused 2, Absent 0

12 Yeas:
13 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
14 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
15 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
16 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

17 Excused:
18 Curd; Novstrup (David)

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 SB 172: FOR AN ACT ENTITLED, An Act to strengthen the financial practices of the
22 State of South Dakota.

23 Was read the second time.

24 The question being "Shall SB 172 pass?"

25 And the roll being called:

26 Yeas 32, Nays 0, Excused 3, Absent 0

27 Yeas:
28 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
29 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
30 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rave;
31 Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:
2 Curd; Novstrup (David); Rampelberg

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 SB 135: FOR AN ACT ENTITLED, An Act to authorize municipalities to impose an
6 additional sales and use tax for a limited period of time for a specified use.

7 Was read the second time.

8 The question being "Shall SB 135 pass as amended?"

9 And the roll being called:

10 Yeas 19, Nays 14, Excused 2, Absent 0

11 Yeas:
12 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Haverly; Heinert; Lederman; Parsley;
13 Peters; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

14 Nays:
15 Frerichs; Greenfield (Brock); Haggar (Jenna); Heineman (Phyllis); Holien; Hunhoff (Bernie);
16 Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Peterson (Jim); Rampelberg; Van Gerpen

17 Excused:
18 Curd; Novstrup (David)

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 SB 98: FOR AN ACT ENTITLED, An Act to revise the provisions related to the financial
22 accountability system.

23 Was read the second time.

24 The question being "Shall SB 98 pass?"

25 And the roll being called:

26 Yeas 31, Nays 2, Excused 2, Absent 0

1 Yeas:

2 Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggard (Jenna);
3 Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
4 Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch;
5 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Nays:

7 Bradford; Heinert

8 Excused:

9 Curd; Novstrup (David)

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 SB 108: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
13 aggravated DUI's.

14 Was read the second time.

15 The question being "Shall SB 108 pass?"

16 And the roll being called:

17 Yeas 32, Nays 1, Excused 2, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggard
20 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Lederman; Monroe; Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave;
22 Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Nays:

24 Omdahl

25 Excused:

26 Curd; Novstrup (David)

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 Sen. Rave moved that SB 64 be placed back on the today's calendar.

30 Which motion prevailed.

SB 64: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of business names.

Was read the second time.

The question being "Shall SB 64 pass as amended?"

And the roll being called:

Yeas 32, Nays 1, Excused 2, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Nays:

Haggar (Jenna)

Excused:

Curd; Novstrup (David)

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

Sen. Rave moved that SB 100 and 168 and HB 1055, 1058, 1059, 1063, 1043, 1057, 1051, and 1013 be deferred to Tuesday, February 10, the 19th legislative day.

Which motion prevailed.

SIGNING OF BILLS

The President publicly read the title to

SB 19: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding references to the Internal Revenue Code.

SB 20: FOR AN ACT ENTITLED, An Act to revise the age that a manufactured home or mobile home will be considered real property.

SB 21: FOR AN ACT ENTITLED, An Act to revise the income guidelines for the paraplegic property tax relief program.

1 HB 1026: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
2 Department of Labor and Regulation.

3 And signed the same in the presence of the Senate.

4 **COMMEMORATIONS**

5 SC 9 Introduced by: Senators Parsley, Bradford, Buhl O'Donnell, Curd, Ewing, Frerichs,
6 Haggar (Jenna), Heineman (Phyllis), Heinert, Hunhoff (Bernie), Monroe, Novstrup (David),
7 Olson, Peterson (Jim), Rave, Rusch, Soholt, Solano, Sutton, and Tieszen and Representatives
8 Wollmann, Anderson, Bartling, Bolin, Bordeaux, Gibson, Harrison, Hawks, Hawley,
9 Heinemann (Leslie), Hickey, Killer, Kirschman, Latterell, McCleerey, Novstrup (Al), Ring,
10 Rounds, Schrempp, Soli, and Werner

11 A LEGISLATIVE COMMEMORATION, Commending and honoring the 2014 Habitat for
12 Humanity--South Dakota Habitat Supporters of the Year.

13 WHEREAS, Habitat for Humanity--South Dakota recently celebrated the hard work and
14 volunteerism of the eleven local Habitat for Humanity affiliates throughout South Dakota by
15 recognizing the work of the Habitat Supporters of the Year at the 2014 Fundraiser and
16 Recognition Banquet; and

17 WHEREAS, Habitat for Humanity throughout South Dakota has now achieved another
18 milestone of the construction of the four hundred sixtieth Habitat home in South Dakota, which
19 construction results from the generosity of countless volunteers, as well as many sweat equity
20 hours contributed by the homeowner families; and

21 WHEREAS, it is fitting and proper that the South Dakota Legislature acknowledge the
22 selfless work of these Habitat Supporters of the Year toward the goal of creating affordable
23 housing and eliminating poverty housing in South Dakota:

24 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
25 of South Dakota, that Jan Locken, Brookings Regional Builders Association, Jaime "Cetan"
26 Encalada, Huron Regional Medical Center, Wells Fargo of Mitchell, First United Methodist
27 Church of Pierre, Diocese of Rapid City, Larry Deibert, Evan Ingebrigtsen, Dakota Concrete
28 Redi-Mix, Federal Prison Camp of Yankton, and First PREMIER Bank, have achieved the
29 distinction of Habitat for Humanity Supporters of the Year for 2014 in South Dakota.

30 SC 10 Introduced by: Senators Parsley, Bradford, Buhl O'Donnell, Curd, Ewing, Frerichs,
31 Haggar (Jenna), Heineman (Phyllis), Heinert, Hunhoff (Bernie), Novstrup (David), Olson,
32 Peterson (Jim), Rave, Rusch, Soholt, Solano, Sutton, and Tieszen and Representatives
33 Wollmann, Anderson, Bartling, Bolin, Bordeaux, Gibson, Harrison, Hawks, Hawley,
34 Heinemann (Leslie), Hickey, Hunhoff (Jean), Killer, Kirschman, Latterell, McCleerey, Novstrup
35 (Al), Ring, Rounds, Schrempp, Soli, and Werner

1 A LEGISLATIVE COMMEMORATION, Honoring the Howard High School Football Team
2 for its 2014 9A State Championship.

3 WHEREAS, the Howard Tigers Football Team finished the season with a 12-0 overall
4 record; and

5 WHEREAS, the team, coached by head coach Pat Ruml, and assistant coaches Troy
6 Loudenburg, Chad Podhradsky, Wyatt Walter, Francis Ruml, Pat Pardy, Adam North, Justin
7 Palmquist, and Bradyn Neises, demonstrated incredible discipline and athletic talent with their
8 impressive winning record; and

9 WHEREAS, the players on the team, Kalub Carmichael, Mitchell Kramer, Ethan Cramer,
10 Thad Henkel, Connor Hamilton, Jordan Genzlinger, Tanner Henkel, Gunner Gilbertson, Jordan
11 Kuhle, Luke Loudenburg, Darin Ekanger, Evan Kizer, Adonis Ruml, Logan Hattervig, Aidyn
12 Feldhaus, Bailey Neises, Kaleb Haas, Dane Dornbusch, Daniel Rancho, David Noid, Dillon
13 Koepsell, Alex Noid, and Noah Hodges, showed great team work and sportsmanship in their
14 season; and

15 WHEREAS, the Tigers secured the championship with a win over the Wolsey-Wessington
16 War Birds in a 32-20 victory:

17 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
18 of South Dakota, that the 2014 Howard High School Football Team be honored for their
19 outstanding 2014 season and winning the 9A State Championship.

20 SC 11 Introduced by: Senators Parsley, Bradford, Buhl O'Donnell, Curd, Ewing, Frerichs,
21 Haggar (Jenna), Heineman (Phyllis), Heinert, Hunhoff (Bernie), Novstrup (David), Olson,
22 Peterson (Jim), Rave, Rusch, Soholt, Solano, Sutton, and Tieszen and Representatives
23 Wollmann, Anderson, Bartling, Bolin, Bordeaux, Gibson, Harrison, Hawks, Hawley,
24 Heinemann (Leslie), Hickey, Hunhoff (Jean), Killer, Kirschman, Latterell, McCleerey, Novstrup
25 (Al), Ring, Rounds, Schrempp, Soli, and Werner

26 A LEGISLATIVE COMMEMORATION, Honoring the Madison High School Boys Basketball
27 Team for its 2014 Boys State A Basketball Championship.

28 WHEREAS, the Madison Bulldogs Boys Basketball Team finished the season with a 25-0
29 overall record; and

30 WHEREAS, the team, coached by head coach Michael Ricke and assistant coaches Ross
31 Huska and Mike Materese, demonstrated incredible discipline and athletic talent with their
32 impressive winning record; and

33 WHEREAS, the players on the team, Preston Nordling, Reid Guse, TraeVandeBerg, Heith
34 Williams, Tayler Anderson, Andrew Fiegen, Hunter Robson, Jacob Leighton, Rush Milne,
35 Danny Klosterman, Carter Kasuske, Jordan Kisor, Jacob Giles, Dallas Fernau, Mason Hemmer,
36 Jordan Unterbrunner, showed great team work and sportsmanship in their season; and

1 WHEREAS, the Bulldogs secured the championship with a win over the Sisseton Redmen
2 in a 52-48 victory:

3 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
4 of South Dakota, that the 2014 Madison Bulldogs Boys State A Basketball Team be honored
5 for their outstanding 2014 season and winning the State A Championship.

6 SC 12 Introduced by: Senator Rusch and Representative Ring

7 A LEGISLATIVE COMMEMORATION, Commending and honoring Chris Esping, a member
8 of the Vermillion School District Board of Education, on her selection as the Associated
9 School Boards of South Dakota Outstanding School Board Member of South Dakota for
10 2014.

11 WHEREAS, Chris Esping has served her community and the students of the Vermillion
12 School District for more than ten years on the board of education; and

13 WHEREAS, Chris Esping is an advocate for public education who provides the exceptional
14 leadership necessary to effectively operate a school district and to improve academic
15 achievement; and

16 WHEREAS, Chris Esping led the school board in a strategic planning process to affirm the
17 district's mission and vision of customized learning, and is absolutely committed to the
18 achievement, welfare, and safety of the students:

19 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
20 of South Dakota, that, during 2015 Chris Esping of Vermillion, South Dakota, is hereby an
21 official representative of the state and shall continue in her efforts to improve the educational
22 opportunities for the students in this state.

23 Sen. Haverly moved that the Senate do now adjourn, which motion prevailed and at
24 3:37 p.m. the Senate adjourned.

25 Kay Johnson, Secretary

